

REMARKS:

In the foregoing amendments, claim 6 was rewritten as an independent claim including the limitations of claim 9 from which it depended. Claim 6 was also amended as suggested in the outstanding Office action. Claim 9 was amended in a manner consistent with claim 6. Claim 11 was also amended, which amendment will be discussed below. Claims 6-11 remain in the application for consideration by the examiner at this time.

The outstanding Office action stated that the priority document was not yet filed in this application, although prior Office actions incorrectly stated that the Office received the priority papers. Applicant greatly appreciates the review of the priority information in the application and the reporting of the lack of the priority document in the application file. Together with this response, applicant is submitting a claim to priority and a certified copy of the priority document, Japanese application 2000-370241, filed December 5, 2000. It is respectfully requested that the file of this application be marked to indicate that the applicant has complied with the requirements of 35 U.S.C. § 119 and that the Patent and Trademark Office kindly acknowledge receipt of the priority document.

Claims 6-11 were rejected on the 35 U.S.C. §112, second paragraph. This rejection appears on pages 2-4 of the Official action. In the foregoing amendments, claim 6 was amended along the lines as kindly suggested in this rejection. Claim 9 was amended in a manner similar to that of claim 6 and to

be consistent with amended claims 6 and the positions set forth in this rejection. For such reasons, applicant respectfully submits that claims 6 and 9 particularly point out and distinctly claim the subject matter regarded as the invention within the meaning of 35 U.S.C. §112, second paragraph.

With respect to claim 11, the Official action stated that the limitation "the linkage directly and indirectly links the locking lever and the control selector lever together" is not understood. The Official action stated that it is unclear how a linkage can both "directly" and "indirectly" link to components. From applicants review, claim 11 does not contain the phrase "directly and indirectly" as alleged in the outstanding Official action. Claim 11 defines that "the linkage directly and independently links the locking lever and the control selector lever together." In any event in the foregoing amendments, this expression was amended to read: "the linkage directly links the locking lever and the control selector lever together." Applicant respectfully submits that this amended expression would be understood by any person skilled in the art with precision.

For the foregoing reasons, applicant respectfully submits that claims 6-11 particularly point out and distinctly claim the subject matter regarded as the invention within the meaning of 35 U.S.C. §112, second paragraph. Therefore, applicant respectfully requests that the examiner reconsider and withdraw this rejection.

Claims 6-8 were not rejected over prior art. The Official action stated that claims 6-11 would be allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph, and to include all the limitations of the base claim and any intervening claims. In the foregoing amendments, claim 6 was rewritten as an independent claim including the limitations of claim 9 from which it depended. Since it is believed that claim 6 complies with the second paragraph of 35 U.S.C. §112 for the reasons set forth above, a formal allowance of claim 6, and claims 7 and 8 that depend thereon, is respectfully requested.

The previous prior art rejections were withdrawn. The outstanding Office action set forth a new prior art rejection of claims 9-11 under 35 U.S.C. §102(b) as being anticipated by Japanese 4-97950 (JP '950). This rejection appears on pages 4 and 5 of the Official action. JP '950 was cited in an information disclosure statement (IDS) filed by the applicant on March 20, 2002. Applicant respectfully submits that the inventions defined in claims 9-11 are patentably distinguishable from the teachings of JP '950 within the meaning of 35 U.S.C. §102 or 35 U.S.C. §103 for at least the following reasons.

It appears that JP '950 proposes a control lever 24 having a relatively simple motion between on and off, where the control selector lever may possibly be gradually changed from the on position to the off position. The teachings of JP '950 do not contemplate or suggest that the linkage between the locking lever and the control selector lever places the control selector lever

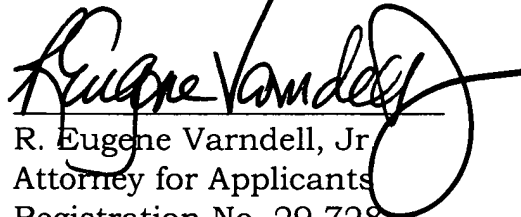
in the controllable state at the first endpoint and from the first endpoint to the midway position of the arched path of the locking lever; and the linkage idles the control selector lever from the midway position to the second endpoint of the arched path of the locking lever, *inter alia*, as required an amended claim 9. Therefore, applicant respectfully requests that the examiner reconsider and withdraw the rejection of claims 9-11 over the teachings of JP '950.

In view the foregoing amendments and remarks, applicant respectfully submits that claims 9-11 are patently distinguishable from the teachings of JP '950 within the meaning of 35 U.S.C. §102(b) or 35 U.S.C. §103(a). Therefore, applicant respectfully requests an allowance of claims 9-11, together with allowed claims 6-8.

The foregoing is believed to be a complete and proper response to the Official action mailed December 13, 2005. While it is believed that all the claims in this application are in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which become due, may be charged to our deposit account No. 50-1147.

Respectfully submitted,
POSZ LAW GROUP, PLC


R. Eugene Varndell, Jr.
Attorney for Applicants
Registration No. 29,728

12040 South Lakes Drive
Suite 101
Reston, Virginia 20191
Tel: (703) 707-9110
Fax: (703) 707-9112

\\Q:\2006\KOMATSU\X012386\PO-152-2386 RS.DOC